



Austin City Council MINUTES

For MAY 17, 1984 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Jorge Carrasco
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Mullen called to order the meeting of the Council scheduled for 1:00 p.m., noting the absence of Councilmember Spaeth.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved the minutes for regular meetings of April 19, 1984 and April 26, 1984 and Special Called Meeting of May 9, 1984.

CITY OF AUSTIN v. EGBERT V. SMITH

Mr. Egbert V. Smith appeared before Council to discuss pay off of judgement and withdrawal of appeal concerning Case No. 1419, City of Austin v. Egbert V. Smith. He outlined the taking of his land from him by eminent domain for a park site. Councilmember Shipman requested an executive session to discuss with the attorney the litigation involved.

CITIZEN DID NOT APPEAR

Dr. Robert B. Morrison, who had requested to appear before Council to discuss additional protection for Stratford Drive Neighborhood Area, did not appear but will be on the May 24, 1984 agenda.

STRATFORD DRIVE

Mr. Jonathan L. Markely appeared before Council to discuss additional protection for Stratford Drive Neighborhood area. He asked Council to vote to extend the Lake Austin Watershed Ordinance.

Councilmember Shipman said she would like this to be postponed.

Motion

Councilmember Shipman made a motion, seconded by Mayor Mullen to place this on the September 6, 1984 agenda.

Councilmember Duncan said he would like an earlier date.

Substitute Motion

Councilmember Duncan made a substitute motion, seconded by Councilmember Rose to put this on the August 2, 1984 agenda. (4-2 vote, Councilmember Shipman and Mayor Mullen voted No.)

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (6-0 Vote, Councilmember Spaeth absent)

Capital Improvements

Amended the 1983-84 Aviation Capital Improvements Program by appropriating \$70,542 from the Aviation Ending Balance and adding CIP Serial No. 84/81-16 - Pershing Circle Reconstruction and Strengthening project with an appropriation of \$160,000 (City share 25%, FAA share 75%)

Ordinance Amendment

Amended the following ordinance to correct the legal description: Ordinance No. 840216-C, Case No. C14r-82-153.

Item Postponed

Council Postponed until June 14, 1984 consideration of an ordinance amending the Austin City Code, Chapter 9-11, Aviation, to establish rules and regulations for the construction and operation of helicopter facilities within the City of Austin.

Zoning Ordinances

Amended Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

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|----|--|--|---|
| a. | NASH PHILLIPS-COPUS, INC. By Thomas A. Goebel C14-83-014 | 5100-5200 Block of Ponciana Drive & 5101-5305 Friedrich Lane | From Interim "A" 1st H&A to "AA" & "BB" 1st H&A |
| b. | JAGGER ASSOCIATES By Jim Pennington C14-83-187 | 5109 E. Stassney Lane and 5300 Nuckols Crossing Road | From Interim "A", "BB" & "LR" 1st H&A to "GR" 1st H&A |
| c. | NBC ASSOCIATES By Jack Morton C14-84-016 | 2108 East Ben White Blvd. | From "C" 1st H&A to "C" 2nd H&A |
| d. | HILLVIEW P.U.D. By Thomas P. Francis C814-84-004 | 2610-2624 Exposition Boulevard 2613-2645 Westover Road | From "A" 1st H&A to P.U.D. |
| e. | NAMES TO BE DETERMINED By City of Austin C14h-84-001 | 801 Congress Avenue | From "C-2" 4th H&A to "C-2-H" 4th H&A |
| f. | JAMES E. COULTER By Sherri Frost C14-83-317 | 1401-1403 Theckla Terrace 5626 Woodrow Avenue | From "A" 1st H&A to "BB" 1st H&A |
| g. | PAUL L. LUCKSINGER and RACHEL F. LUCKSINGER C14-70-001 (part) | 227-301 E. St. Elmo Road | From Interim "A" 1st H&A to "D" 1st H&A |
| h. | U-HAUL COMPANY OF SAN ANTONIO C14-83-261 | Rear of 8710 Burnet Road | From "B" 1st H&A to "C" 1st H&A |

EMERGENCY PASSAGE OF ORDINANCE

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| i. | EDWARD JOSEPH TRUSTEE By A. W. Goodson, Jr. C14-83-249 | 8010-8108 Cameron Road 1411-1327 Rutherford Lane | From interim "A" 1st H&A to "DL" 2nd H&A |
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CIP - (Continued)

- e. The Cameron Road/US 183 Childress Project - Thomas C. Calhoun, Anne Swift Calhoun & Dr. Jim Calhoun C.I.P. No. 73/62-44
- f. The Brodie Lane/William Cannon to Paisano Project - NPC Realty Company C.I.P. No. 79/62-14

Approved the following Change Orders:

- a. In the amount of \$18,095.00 to MITCHELL, EVANS AND BYRAM, INC. for the Rebekah Baines Johnson Health Center. (2.3% increase of the original contract) C.I.P. No. 82/91-02
- b. In the amount of \$98,237.41 to OLMOS CONSTRUCTION COMPANY for the 1982 Interim Air and Landside Improvements at Robert Mueller Municipal Airport. (4.17% increase of the original contract) C.I.P. No. 78/81-08
- c. In the amount of \$23,933.19 to OLMOS CONSTRUCTION COMPANY for 1982 Interim Air and Landside Improvements at Robert Mueller Municipal Airport. (1.02% increase of the original contract) C.I.P. No. 81/81-05)
- d. In the amount of \$103,042.60 to OLMOS CONSTRUCTION COMPANY for 1982 Interim Air and Landside Improvements at Robert Mueller Municipal Airport. (4.37% increase of the original contract) C.I.P. No. 84/81-16

Change Order

Approved the following Change Order: In the amount of \$12,153.66 to Hendrix GMC Trucks, Inc. for the replacement carryall vehicle. (9.8% increase of the original contract)

Capital Improvements Program

Approved proposed Supplemental Amendments No. 3 to the existing Federal Aviation Administration (FAA) ADAP Grant:

- a. No. 6-48-0013-12 for the Interim Air and Landside Improvements at Robert Mueller Municipal Airport. C.I.P. No. 81/81-05
- b. No. 6-48-0013-13 for the Interim Air and Landside Improvements at Robert Mueller Municipal Airport. C.I.P. No. 78/81-08

Grant Application

Approved a Grant Application to the Federal Aviation Administration (FAA) AIP GRANT for Interim Air and Landside Improvements at Robert Mueller Municipal Airport for the Aviation Department. C.I.P. No. 84/81-16.

Contracts Approved

Approved the following contracts:

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| <p>HELIOS INDUSTRIES 20303 Mack Street Hayward, California</p> | <p>- CAPITAL IMPROVEMENTS PROGRAM - Fabric cover, tension shade structure at Givens District Park, Parks and Recreation Department - \$49,500.00 C.I.P. No. 77/86-14</p> |
| <p>J & E DIRT WORKS, INC. 12406 Old San Antonio Hwy. Manchaca, Texas</p> | <p>- CAPITAL IMPROVEMENTS PROGRAM, Guadalupe Neighborhood Area Sidewalk Improvements - Phase IV, East 9th Street, Public Works Department - \$16,974.95 C.I.P. No. 83/62-81</p> |
| <p>PAT McMAHON, INC. 400 East Anderson Lane, Ste. 220-1 Austin, Texas</p> | <p>- CAPITAL IMPROVEMENTS PROGRAM Fire Station No. 27, Public Works Department - \$449,800.00 C.I.P. Nos. 76/83-03</p> |
| <p>Bid award:</p> | <p>- CAPITAL IMPROVEMENTS PROGRAM Padmount Transformer, Electric Utility Department - \$320,233.00 C.I.P. No. 84/15-01</p> |
| <p>(1) WESTINGHOUSE ELECTRIC SUPPLY COMPANY 9230 Research Boulevard Austin, Texas</p> | <p>- Items 1-7 - \$306,898.00</p> |
| <p>(2) POLELINE ELECTRIC SUPPLY, INC. 4111-G Todd Lane Austin, Texas</p> | <p>- Item 8 - \$13,335.00</p> |
| <p>ALLIS-CHALMERS CORP. 1205 South 70th Street Wilwaukee, Wisconsin</p> | <p>- Inner Casing for Allis-Chalmers Boiler Feed Pump, Electric Utility Department Item 1 - \$73,586.45 84-0197-JG</p> |

May 17, 1984

CONTRACTS - (Continued)

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| <p>SOUTHWEST OCEAN SERVICE CENTER 3711 Polk Street Houston, Texas</p> | <p>- Verticle Rescue Equipment (Rope) Austin Fire Department Items 1 through 6 - \$8,338.79 84-0195-AV</p> |
| <p>GULF OIL CORPORATION 2 Houston Center Houston, Texas</p> | <p>- Transformer Oil, Electric Utility Department Item 1 - 16,000 gallons - \$21,360.00 84-0216-MB</p> |
| <p>NOBLE W. WALKER COMPANY 8311 Cliff Sage Avenue Austin, Texas</p> | <p>- Portable Office Building, Vehicle and Equipment Services Department Item 1 - \$24,444.00 84-0186-AV</p> |
| <p>LASER PHOTONICS, INC. 2025 Palmridge Way Orlando, Florida</p> | <p>- Laser Latent Fingerprint Detection System, Austin Police Department Item 1 - \$30,000 84-0207-AV</p> |
| <p>SOUTHERN SAFETY SALES P. O. Box 4065 Austin, Texas</p> | <p>- Vacuum Pump, Brackenridge Hospital Item 1 - \$34,677.00 BP4-1271</p> |

Item to be Brought Back

A resolution to consider the authorization to execute necessary documents to loan \$53,000 of Community Development Block Grant Acquisition/Rehabilitation Program Funds to the Guadalupe Neighborhood Corporation for the relocation and rehabilitation of a donated house into low-cost rental housing; and to transfer \$23,812 of unencumbered 6th year CDBG Contingency funds and \$23,328 of unencumbered ARA Complaint "redo" funds into the Acquisition/Rehabilitation program account, was postponed until May 24, 1984.

Water Approach Main

Approved the following water approach main:

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| <p>JOE LUCAS</p> | <p>- Water approach main to include approximately 0.79 acres of office development for Creekbluff at Three Sixty. No City cost participation.</p> |
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Lower Walnut Creek Wastewater System

Authorized the North Central Austin Growth Corridor Municipal Utility District Number One to enter into a contract for construction of the Lower Walnut Creek Wastewater System Improvements, Phase B - \$3,799,154.00. (5-1 Vote, Councilmember Duncan voted No, Councilmember

Wastewater Improvements

Authorized the North Central Austin Growth Corridor Municipal Utility District Number One to enter into a contract for construction of the Lower Walnut Creek Wastewater System Improvements, Phase C - \$1,797,320.00. (5-1 Vote, Councilmember Duncan voted No, Councilmember Spaeth absent)

Item Pulled

A resolution to consider approving preliminary allocation of funds for the Single-Family Mortgage Purchase Program 1984, was pulled from the agenda.

Public Hearings Re-Set

Re-set public hearings on the following for June 7, 1984 at 4:00 p.m.:

- a. Zoning Case No. C14h-83-030 for T.P. Robinson House by City of Austin.

The following was withdrawn from the agenda:

Zoning Case No. C14-83-331 for Austin Cable Vision, Builta Bell County Land Company by Betsy Ross Builta, (Tract 3 only)

Public Hearings Set

Set public hearings on the following:

- a. An amendment to Chapter 13-2 (Zoning Ordinance) of the City Code to allow recycling enters in "DL" and "D" zoning districts: June 7, 1984 at 4:30 p.m.
- b. Appeals of Building Standards Commission approval of relocation permits for the following structures: June 7, 1984 at 4:30 p.m.

- a. 1200 Baylor Street
- b. 1202 Baylor Street
- c. 1201 Castle Hill Street
- d. 1203 Castle Hill Street
- e. 1205 Castle Hill Street

- c. An appeal from T.M. "Jack" Morton of the Planning Commission's decision to deny a variance for construction of an Effluent Storage Pond within the River Place M.U.D. #C8-83-68: May 24, 1984 at 3:30 p.m.

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following described tract of land for the expansion of the Green Water Treatment Plant: All of Lot 4, Block 23, Original City of Austin, Covert Buick, Inc. (Duke M. Covert, et al)

ITEM FROM COUNCIL

Councilmembers Duncan and Shipman introduced an item to Council to set public hearings for amendments to the Lake Austin Watershed Ordinance and the Lake Austin Shoreline Ordinance to include the South Shore of Townlake from Tom Miller Dam to Zilker Park.

Mayor Mullen asked if there would be any discussion on this item. Councilmember Shipman declined discussion.

EXECUTIVE SESSION

Mayor Mullen announced the City Council would go into Executive Session pursuant to Article 6252-17 to discuss the City of Austin v. Egbert V. Smith lawsuit, and after such closed or executive session, any action to be taken will be done in open meeting.

RECESS

Council recessed its meeting at 1:45 p.m. and resumed its recessed meeting at 2:15 p.m.

STATUS REPORT

Mr. John Moore presented the status report on Williamson Creek Treatment Plant. Councilmember Urdy said he had heard some complaints concerning the odors of trucks carrying effluent to Walnut Creek. Mr. Moore said he would look into that.

TAXICABS

Mr. Terry Childers, Assistant City Manager, presented the report on reviewing the franchise requirement reports and request for renewals. He discussed the time delay study that was conducted, a report on the quarterly vehicle inspection that is done for taxicabs and the latest schedule for review by the Urban Transportation Commission and by the Council of the proposed changes to the ordinance as well as the schedule for taxicab renewals.

UTILITY COORDINATION

Mr. Terry Childers, Assistant City Manager, stated a utility cut policy has been developed, which the Council is being asked to consider under resolutions, which outlines policy guidelines and procedures for making utility cuts within the public right-of-way. "We have agreed to provide a CIP co-ordinator who will be responsible for coordinating representatives of the various utilities, contractors and engineers in the community through AAUCC to insure the timely implementation of all Capital Improvement Projects. We have designated AAUCC as the official form through which joint utility coordination will take place in order to insure a comprehensive utility coordination policy within Austin, Travis County and our suburban areas. The Council is being asked to adopt the standard specifications for utility cuts and public right-of-way as recommended by the executive committee of AAUCC as well as by the director of Public Works and the City Manager". Mr. Childers said all but Travis County has signed off on this but subsequent to the action Council will take they hope this will be favorably considered.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, adopted a resolution approving the 1984 edition of Standards and Specifications for Cuts In Public Right-of-Way. (6-0 Vote, Councilmember Spaeth absent.)

EXEMPTION GRANTED

The Council, on Councilmember Rose's motion, Mayor Pro Tem Trevino's second, approved the request of Mr. Jack Morton for exemption from the provisions of the Interim Lake Travis Watershed Ordinance for the Travis Landing No. 2, Phase 4 Subdivision, with the condition that it does not grant variance from the Septic Tank Ordinance. (6-0 Vote, Councilmember Spaeth absent.)

ITEM POSTPONED

Mr. Ford Smith was granted postponement for his request for a variance to Ordinance No. #810319-M, Sections 103.3, 104.1 & 104.2 regarding Critical Water Quality Zone and Maximum Development Intensity.

EXEMPTION FROM INNER-CITY NEIGHBORHOOD ORDINANCE

The Council, on Councilmember Shipman's motion, Councilmember Duncan's second, approved the request of Mr. John B. Sanford for exemption from the Inner-City Neighborhood Ordinance to allow structures which have received a review of Building Standard Commission to be allowed to purchase permits for removal and site be held for full review of site ordinance; including commercial buildings. (6-0 Vote, Councilmember Spaeth absent.)

SALE OF WATER

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, approved the request of Mr. George Murfee to sell 430,000 gallons; price will be double the rate. (6-0 Vote, Councilmember Spaeth absent.)

NO ACTION TAKEN

No action was taken on the request of Mr. Doyle & Stacey Ethridge for an exemption on Building Permit for Mockingbird Hill Subdivision. Lonnie Davis, Director of Building Inspection, said the exemption was not recommended.

CITIZEN DID NOT APPEAR

Mr. Herman Gotcher, who had requested to appear before Council to request an address change for #1, #2, #3 and #4 Critter Canyon in order to comply with Rob Roy Subdivision orders, did not appear because his problem has been worked out.

ENERGY CONSERVATION AUDIT & LOAN PROGRAM

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, waived the requirement for three readings and finally passed an ordinance amending the Electric Utility Operating Budget by appropriating \$2.5 million to the Energy Management Operating Budget to revise and expand the Energy Conservation Audit and Loan Program. (6-0 Vote, Councilmember Spaeth absent)

CONTRACT APPROVED

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Trevino's second, adopted a resolution approving the following contract: (6-0 Vote, Councilmember Spaeth absent)

CP NATIONAL
Consulting & Engineering Division
110 Cypress Station Drive, Ste. 156
Houston, Texas

- Residential Conservation
Service Audits, Energy
Management 4½ months
contract
Estimated total - \$273,000.00
84-S046-LI

APPROACH MAIN ORDINANCE

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed an ordinance amending the Approach Main Ordinance to change the requirement for approach main approval prior to "preliminary plan" approval to read, that approach main approval is only required prior to "final plat" approval. (6-0 Vote, Councilmember Spaeth absent)

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT

Mayor Mullen opened the public hearing, set for 3:00 p.m. on amending Chapter 13-2 (Zoning Ordinance) of the Austin City Code to allow approval of a zoning change to "A-2" without site plan approval and requiring a special permit.

No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Rose's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending Chapter 13-2 (Zoning Ordinance) of the Austin City Code to allow approval of a zoning change to "A-2" without site plan approval and requiring a special permit. (6-0 Vote, Councilmember Spaeth absent)

CONTRACT APPROVED

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved the following contract: (6-0 Vote, Councilmember Spaeth absent)

A.W.P. CONTRACTORS
P.O. Box 43390
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
Stabilization of Reed Park Lime
Kiln, Public Works Department -
\$27,800.00 C.I.P. No. 82/86-41

ITEM POSTPONED

The public hearing set for 3:10 p.m. on a 231 unit multi-family housing bond financed project proposed by Highwood Apartments, located at 9417 Great Hills Trail will be continued May 24, 1984 at 3:10 p.m.

RECESS

Council recessed its meeting at 3:20 p.m. and resumed its recessed meeting at 3:25 p.m.

ZONING CASES POSTPONED

Mayor Mullen announced the following zoning cases will be postponed until May 24 at 3:00 p.m.

ZONING CASES POSTPONED - (Continued)

1. USE AND HEIGHT AREA DISTRICTS - (Lake Austin Zoning)a. Recommended by the Planning Commission, As Requested:

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|-----|--------------------|----------------|------------------|--|
| (1) | -83 003 .267 | CITY OF AUSTIN | 2503 Pearce Road | From "A" 1st H&A To "LA" 1st H&A RECOMMENDED |
| (2) | -83 003 .261 | CITY OF AUSTIN | 1706 Ski Slope | From "A" & Interim "LA" 1st H&A To "LA" 1st H&A RECOMMENDED |

b. NOT Recommended by the Planning Commission, Alternate Recommended:

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|-----|------------|----------------|---|---|
| (3) | -83 003 | CITY OF AUSTIN | Westlake Drive 2512 Riverhills 12411 River Bend Rd. Rockcliff/Sandy Acre/ Laguna Lane 2705 Westlake Drive 1804-06 Lakeshore Drive 12901 River Bend Road 2909 Niagara, .47 ac. John Jackson Sur., 12320 River Bend Road, 3004 Edgewater Drive, 1827 3/4 Westlake Dr., 5215 Tortuga Trail, 1702 Channel Road, Edgewater Drive | From Interim "A" & Interim "LA" 1st H&A To "A" 1st H&A NOT RECOMMENDED RECOMMENDED "AA" 1st H&A |
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(SEE ZONING MEMORANDUM #4)

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| (4) | -83 003 | CITY OF AUSTIN | 3120 Edgewater Dr. 3001 Rivercrest Dr. 3306 Rivercrest 3511 Rivercrest Dr. Chas. Clark Survey 12507 River Bend Rd. 6702 Troll Haven Rivercrest Drive 1804 Ski Slope 3500 Rivercrest Dr., Pearce Rd/Ski Slope/Encino, Big Horn Drive, 1909 Big Horn Drive, 3300 Rivercrest Dr., 12413 River Bend Rd., Westlake Drive, 2803-05 Edgewater, 1802 Ski Slope Dr., 3908 Rivercrest Dr., 3111 West Lake Dr., 13 lots in Windy Cove, Rivercrest Rd., Rivercrest Rd., 3014 Edgewater Dr., Brass Buttons Trail, 3507 Rivercrest, 2973 Westlake Drive, Brass Buttons Trail, 2910 | From "A" Interim "AA" Interim "LA" 1st H&A To "A" & "AA" 1st H&A NOT RECOMMENDED RECOMMENDED "LA" 1st H&A |
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ZONING CASES POSTPONED - (Continued)

Edgewater Drive, 3104 Rivercrest Dr., 1320-30
 Rockcliff Drive, 3825 Westlake Dr., Mt. Bonnell
 Shores Sec. II & III, 3501 Rivercrest Dr., 3707
 Rivercrest, 3603 Rivercrest, 2311 Island Wood
 Road., 3308 Rivercrest, 3119 Edgewater, 2315
 Island Wood Road, River Road, 3011 Niagara Drive,
 Rivercrest, Rivercrest Dr./Leprechaun Dr., 2507
 Big Horn Drive, 6704 Troll Haven, Cliff Over
 Lake Austin II, 3509 Rivercrest, 3703 Rivercrest
 Dr., Rivercrest Dr., Mt. Bonnell Shores

(SEE ZONING MEMORANDUM # 5)

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| (5) | -83 | SUSAN SCARLE | 3109-3111 Edgewater | From "A" & Interim "LA" |
| | 003 | PHILLIPS | Drive | 1st H&A |
| | .28 | | | To "A-2" 1st H&A |
| | | | | NOT RECOMMENDED |
| | | | | RECOMMENDED "AA" 1st H&A |
| (6) | -83 | J. O. & FANNIE | 3118 Edgewater | From "A" 1st H&A |
| | 003 | BELLE MCCOY | Drive | To "LR" 1st H&A |
| | .30 | | | NOT RECOMMENDED |
| | | | | RECOMMENDED "LA" 1st H&A |
| (7) | -83 | PHI GAMMA | 3105 Westlake | From "A" & Interim "LA" |
| | 003 | DELTA, TRUSTEES | Drive | 1st H&A |
| | .33 | By John Meinrath | | To "C-2" 1st H&A |
| | | | | NOT RECOMMENDED |
| | | | | RECOMMENDED "LA" 1st H&A |
| (8) | -83 | WILHELMINA R. | Riverhills Road | From "A" & Interim "LA" |
| | 003 | MORIAN | | 1st H&A |
| | .145 | | | To "A" & "A-2" 1st H&A |
| | | | | NOT RECOMMENDED |
| | | | | RECOMMENDED "LA" 1st H&A |

RECESS

Council recessed its meeting at 3:15 p.m. to hold a joint meeting with the Austin City Council, Travis County Commissioners Court and State Representative Gonzalo Barrientos, to discuss transportation issues.

JOINT MEETING

Mayor Mullen called to order the joint meeting of the Austin City Council, and the Travis County Commissioners Court. A complete transcript of the meeting follows.

May 17, 1984

HEARING (Continued)

- M.1. Joint Meeting with the Austin City Council, Travis County Commissioners Court, and State Representative Gonzalo Barrientos, to discuss transportation issues.

JUDGE RENFRO: The Commissioners Court is very pleased to be here today and these are areas that vitally concern both the City Council and the Commissioner's Court are the transportation issues in Travis County and the City of Austin. We've had such good luck with the work that we've done this past fall in getting ready for this bond issue this September and I'm hopeful today that we'll cover some of the other issues that we have been concerned with on the long term basis. I don't know if any of the Commissioners would like to make a statement, perhaps we should go ahead and start with our testimony.

MAYOR: Sir, Representative Barrientos has asked to present some ideas that we would like to take up first. Mr. Barrientos.

BARRIENTOS: May it please the Council, may it please the Court, Mayor Mullen, Judge Renfro, Members of the City Council, and Commissioners, I want to thank you for agreeing so promptly to this meeting. I want to talk with you about the future of roads and transportation in our area. As a member of the legislature and the Austin Transportation Study Policy Advisory Committee, I believe we have an obligation to act quickly in unison to take advantage of new opportunities, to meet local transportation needs. I have some recommendations which require action by the Court and the City Council as well as those of us in the Legislature. These actions are designed to improve transportation planning as well as expedite roadway projects. All of us are aware that we have fallen behind in solving traffic and transportation problems. There are many reasons, but the most crucial problem is money. When I became a member of the ATS ten years ago, we had an adequate funding from the State and Federal levels to develop approaches to both roads and mass transportation. ATS functioned as a cooperative effort with the active participation of officials and staff of the City, the County, and the State. Unfortunately, we got too involved in a debate of whether we should favor mass transit or roads or vice-versa, when what we really needed was both. City and the County are still cooperating and moving forward with local resources. In 1978 the State Department of Highways and Public Transportation withdrew from active staff participation in the ATS. In addition, Federal funds for mass transit capital improvements are now virtually non-existent and capital funds for roads and highways are much more difficult to obtain. I think you are all aware that there is a serious shortage of State highway funds and we are not getting an adequate share of the limited money that is available. Last year the per capita expenditure of the State of Texas for new road construction and maintenance of existing roads was \$98.00 per person state wide. But those of us in Travis County received only \$35.00 per person in state funds. It does not take a mathematics genius to figure out to pay an equal proportion of taxes but get only 46% of the return. Finally, with a smaller share of money we have to construct increasingly expensive roadway projects, particularly because right-of-way acquisition costs are going through the roof. I have painted a pretty bleak picture, but I do not want us to bog down in a debate over who has been right or who has been wrong, what I want to is move forward.

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In spite of our current problems, there are a number of positive steps that you have taken and events which are about to occur which we can build upon to move forward. There are four steps I want to propose we take in the immediate future. First, we need to expand the ATS, to make it regional and metropolitan in character. Second, we need to integrate existing planning for mass transit into the ATS. Third, we need to bring the Department of Highways and Public Transportation back into ATS as a meaningful participant at the staff level. Finally, in addition to seeking funds at the State level, we need to begin to seek effective curbs on the inflation of right-of-way costs. The City and the County are the two governments which are responsible for the ATS at the local level. The Council and the Court have proven willing to cooperate on many transportation issues, most notably, the upcoming road bond election. But our traffic and our transportation problems, like our City limits, have grown beyond the Travis County line. We need to do more than give verbal lip service to the notion of regional planning and bring people from other jurisdictions into the ATS planning process. I would like to consider expanding the ATS advisory policy committee to include a representative of Hays County and Williamson County. The State representative from Hays County and one of the three members of the Williamson legislative delegation. In addition to giving our planning process a more regional character, this expansion will increase our influence with State agencies. Although the Federal Government is no longer supportive of mass transit, we in the legislature have created mechanisms for local government to use in developing mass transit by allowing local option mass transit authorities. I want to salute the City Council for taking advantage of this law and appointing an interim board for the Austin Area Rapid Transit Authority. I think that it is much more likely that AART will be successful in obtaining voter approval for a tax base if their transit plans are integrated with our roadway plans. As the parent bodies of ATS, I would like to recommend that you extend an invitation to AART to send an ex-officio representative to ATS and that they be invited to join with one voting member on the policy advisory committee if they obtain voter approval for their agency. The biggest improvement we can make to ATS, however, is to once again have the full participation of the staff of the Highway Department in our planning process. Without their active participation the ATS has had fewer people and less resources to plan with. We've also had a lack of firm commitment to fund our plans. I am convinced that the Highway Department will be willing to rejoin ATS in a meaningful way if the City, the County, and the Legislative Delegation ask them to do so. I am also convinced that we will get faster approval for critical roadway projects like Ben White and what has been called US 183, suicide alley if the Highway Department were more actively involved in developing those plans. I am prepared to meet with officials with the Texas Department of Highways and Public Transportation to explore their possible involvement with ATS. I have discussed this matter with the ATS chair, Bob Honts and he is prepared to go with me. I would like for you to appoint a representative of the City and County to join him. Improved cooperation and planning are meaningless, however, without the funds to make those plans a reality. In a matter of weeks the Legislature will meet in a Special Session to consider increased funding for highways among other things. I am already committed to support more funds for highways and I am certain the rest of our local House delegation feels the same way which should be a pleasant surprise to the Highway Department. But more money will not solve our problems if we do not find something to control the escalation of right-of-way costs. We saw the

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MEETING - (CONTINUED)

right-of-way costs for the Northern extension of Mopac more than triple in the course of two short years. As soon as plans are put on the map for new roads, the same thing will happen all over the area and we will not be able to afford the land for the projects much less needed construction. As a resident of South Austin, the fact that the value of the right-of-way for Mopac soared by \$25 million was not lost on me because that is the current price tag for upgrading Ben White. If we had to pay that inflated price, we would have seen Ben White improvement money delayed even longer. City officials, County, State, and land owners along the route of the Mopac extension deserve to be congratulated for the efforts they made to come up with the voluntary limitation on the right-of-way cost. But we have no guarantee that every project will end in a voluntary agreement. The issue of controls on right-of-way costs is complicated by legal and constitutional issues related to property rights, but I do not think that the public will appreciate those legal complications while they are stalled in rush hour traffic. In addition to supporting increased funding for roads in the Special Session, I plan to introduce legislation directing the Highway Department to bring specific recommendations to the next Legislature outlining legal and technical steps aimed at curbing costs of right-of-way. We all respect private property rights but I don't think that it is fair for tax payers to line the pockets of real estate speculators who are fortunate enough to buy and hold highway right-of-way until we are ready to build. We need to make every dollar devoted to transportation go as far as it can to meet the public need. I would like both the County Commissioner's Court and the City Council to give me a reading as to whether you would be in favor of a program to limit right-of-way costs, if so, I will have my staff submit a copy of the proposed legislation to you before your next meeting and will ask you to consider resolutions giving it your formal endorsement. I want to thank you for your time and expeditious manner in which you agreed to meet jointly. The ATS is scheduled to meet soon and I hope that we have had some solid sense of new directions from both the City and the County when that occurs. I can't remember the last time that we've all met like this. I think that we are in a new era, a new time, we have new needs, new issues to resolve and I look forward to resolving those issues together with you. Thank you Mr. Mayor, Judge, if I could answer any questions otherwise I realize that you all have a full agenda for today and the rest of the afternoon.

MAYOR: Any member of this joint meeting have a comment or a question for discussion because I do think that we want to have some discussion on some of these points.

HONTS: Mr. Mayor, in conjunction with the bold initiatives that are proposed here, we have been asked and ATS has agreed to postpone the meeting that was scheduled for tomorrow until probably sometime in the second week in June. Your staffs will be contacted. That is designed to permit the City Council and the Commissioner's Court to consider a modified continuing phase agreement that can accommodate many of these requests as well as some of the others that we were considering and permit the joint bodies acting individually to have those actions taken under their belt before the meeting. I would hope that we might expedite those reviews on both sides, Judge Renfro and Mayor Mullen. I'm sure that the items here could be included to a large extent, I certainly would hope so.

MAYOR: I concur with nearly everything that you said here as far as being

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MEETING - (Continued)

interested in pursuing what you are talking about. I think that expanding ATS is a good idea. When I have the Council here and the Commissioner's Court together, I wanted to bring up one other idea, you may think I'm joking on but I'm not.

: Does it cost any money Mr. Mayor?

MAYOR: Not you, not us, it doesn't cost any money. As a matter of fact it will be a formal request to the Commissioner's Court to give consideration to placing one more member of City Council on ATS at the present time is three County Commissioners, three City Council Members. It is my feeling that the Council, the City as a matter of fact, does about 85% of the work in this area and we would like to ask that we have one more representative. You may not agree to that, but this is a formal request with all of you together, that is what this meeting is for and if you want to discuss it now or wait until later, we can do that. (Laughter, can't understand the tape)

HONTS : Well Mayor, that makes our request for two additional members even more reasonable.

MAYOR: If that's your request, we'll take it. But I was just proposing one. Thank you. Does anyone have any other questions of Representative Barrientos?

SHIPMAN: He asked for a reading about our sentiments on the right-of-way acquisition and I think that that is very appropriate request and very worthy of our support. I think that it is shocking to realize the situation that occurred on the Northern extension of Mopac and yet Ben White is our area of highest fatalities. I would certainly hope that those of you that are members of ATS will strongly direct your funding efforts to Ben White Boulevard as a number one priority.

DUNCAN: Yes, I agree with that absolutely. I think all the ideas are very good and should be moved on as quickly as possible, particularly the addition of a Councilmember on ATS but seriously, I think it is all good, I support Sally in expressing our support for the right-of-way limitations and legislation and I don't know what you'll come up with in the area. It will be a challenge in the area of right-of-way but I cannot think of anything that is needed more. I also live near Ben White and several of us have been discussing for years and years, improvements on Ben White and its been on the ATS agenda on the 20 year plan for years and years. There is more money that is eaten up by inflation, primarily by right-of-way rights. We need to solve the problem now.

BARRIENTOS: Well, Councilman, I couldn't agree more. We've had a lot of debate, we've had a lot of rhetoric in past years, I think it's high time that we all join hands and move forward with the Court, Judge Renfro, Mayor Mullen, and the County delegation. Lets do it.

MAYOR: I think that we solved some of that rhetoric yesterday and the problem was fixed and I recognized at that time Commissioner Honts in his area and the Commissioner's Court and their \$1.2 million that they have to put in to make that happen and the State \$10 million and the City is also contributing a half of a million dollars to the interchange. It's that kind of cooperation that we all need to continue and I appreciate your being here today.

MEETING - (Continued)

BARRIENTOS: Thank you Mayor, Thank you Judges.

URDY: Commissioners just sort of take over when they come over here to our area. But I did want to voice my opinion on the efforts to limit the costs of right-of-way acquisition and particularly if the State is going to do all the work and take all the heat for those efforts, I'm certainly supportive, but I also want to support the efforts to get the State Highway Department in the ATS. I think we need the active participation and I don't think that that's a minor recommendation either. I also think it's a major recommendation that the Mayor made to expand the representation of the Council on the ATS. So I certainly support all of those actions. Thank you.

SNELL: I agree with Urdy 100%, but I'd like to say this, Ben White is a top priority with some, but 183 is a top priority with me. This is a very serious roadway and we certainly need to do something about that and I support that 100% and I feel very comfortable in this chair saying that.

MAYOR: Well, I can remember the first time we voted on that, Commissioner, you voted for it and it's been a long time coming, But it is moving in the right direction.

RENFRO: Gonzalo, I just want to say that I support your program and I think that you have come up with some great ideas, I especially support your right-of-way proposal, I don't know if we can get Mullen to help us to negotiate our right-of-way, if we can keep the cost down. But we do need to do something on that.

BARRIENTOS: Well, I think that there has been people that have been unreasonable in the costs of the right-of-way and I have tentatively talked with the Highway Department to find the legal advisors to check into that and I would hopefully get that resolution through the Legislature in the Special Session because as you know for the Highway Department to research that, only the Governor can put legislation there but resolutions are different and I would like to have your approval and support for it. Thank you.

HONTS: Judge, Mr. Mayor, we will provide, ATS staff will provide modified documents that would incorporate these ideas, obviously the Court and the Council will have to decide if they want to incorporate those but we'll have that to you by the first of the week and I would remind you that I believe Representative Barrientos asked that the Mayor and the Judge appoint a member of each body to work with the ATS chairman and Representative Barrientos in a meeting very shortly with the Highway officials.

TREVINO: Mr. Representative, I can certainly support your points and am confident that the Council will also in a more formal manner very soon. But I want to thank you on behalf of all of us for giving the opportunity for the Commissioner's Court and the Council to meet in this formal joint session and try to resolve the common problems that face all of us.
(everybody talking at once.)

MAYOR: We are going to have another meeting June, 28th to discuss the roadway system and the County is having their hearings now, the City will have theirs starting in June and then we'll get together and have a joint meeting on City/County roadway system. Again we appreciate you all being here.

MEETING - (Continued)

I think that we ought to do this again.

ROSE: Mayor, before we close I just want to make one comment since we have this opportunity for everyone to recognize. I am not Judge Renfro, I am much better looking, I'm taller, I'm much better looking and I am not Judge Renfro.

MAYOR: Does that happen a lot?

ROSE: Oh yeah.

TREVINO: And I also want to go on record that I am not Gonzalo Barrientos, nor am I Jorge Carrasco.

: In election years that comes in very handy, Mr. Trevino.

MAYOR: We'll adjourn this meeting.

URDY: I think everybody knows that I'm not Jimmy Snell.

MAYOR: We'll adjourn this joint meeting and take about a five minute break.

ADJOURNMENT OF JOINT MEETING

The joint meeting was adjourned at 3:45 p.m.

COUNCIL MEETING CALLED TO ORDER AND RECESSED

Mayor Mullen called the meeting of the City Council back to order and announced a recess at 3:45 p.m. and resumed the recessed meeting at 4:05 p.m.

PUBLIC HEARING - STREET VACATION

Mayor Mullen opened the public hearing set for 3:30 p.m. on vacation of Congress Avenue Alley, 300 block. (Request submitted by Crow-Gottesman-Shafer #1) He said this has been unanimously recommended by Urban Transportation Commission and the Planning Commission.

Councilmember Shipman stated, "The Capitol Review Ordinance was passed several years ago to allow the Planning Commission and the City Council to review projects in the downtown area and the context of the Capitol view. This was done because it was assumed that no major blockage of the Capitol could occur without an alley vacation. So the spirit of the ordinance was to require the site plan in the construction review process before the alley vacation takes place. I think in the future, there's not a problem with this one, but I would like to request of the City Manager that in the future before any such items are placed on the Council agenda for an alley vacation in the Central Business District, that the site plan review process as required by the ordinance takes place. ... A previous project which set the precedent for this is a massive project and the property owner had informed me that the project would not block the capitol view and would be in conformance with the zoning ordinance. In effect it is now coming through the public review process at 400' and this is quite a dramatic change from the 200' requested. I do not know how that relates to the Capitol but when you get that high in the air it is

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STREET VACATION - (Continued)

Richard Ridings, Director of Public Works, read into the record: "This will be subject to retention of a public utility easement until August 15th and as a drainage easement until the waterway development permit is approved and complied with. At that time that will be released. Also the applicant is going to be responsible for extending the Congress Avenue beautification improvements in front of the entire 300 block totally at his expense."

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating Congress Avenue Alley, 300 Block, subject to retention of a public utility easement until August 15th and as a drainage easement until waterway development permit is approved and complied with; and applicant is responsible for extending Congress Avenue beautification improvements in front of entire 300 block at applicant's expense. (6-0 Vote, Councilmember Spaeth absent.)

PUBLIC HEARING - STREET NAME CHANGE

Mayor Mullen opened the public hearing set for 3:30 p.m. to consider the following street name change and passage of ordinance: Dobson Drive to Belvedere Street. (Request submitted by various property owners adjoining subject street)

No one appeared to be heard.

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance changing the name of Dobson Drive to Belvedere Street. (6-0 Vote, Councilmember Spaeth absent.)

ITEM TO BE BROUGHT BACK

Mayor Mullen announced the 5:00 public hearing on Northwest Austin MUD's 1, 2 & 3 would not be held but will be set for a later date.

EXECUTIVE SESSION

Mayor Mullen announced Council would go into executive session go discuss the petition of Fry, et al v. City of Austin, filed with the Public Utility Commission and challenging the City's Electric Rate Ordinance - pending litigation, Section 2, Paragraph e.; and board and commission appointments, Section 2, Paragraph g.; and after such closed or executive session any action to be taken shall be done in open session.

RECESS

Council recessed its meeting at 4:15 p.m. for the executive session and resumed its recessed meeting at 5:00 p.m.

BOARD & COMMISSION APPOINTMENT

The Council, on Councilmember Urdy's motion, Mayor Mullen's second, approved the appointment of Thressa Lockridge to the Water and Wastewater Commission. (6-0 Vote, Councilmember Spaeth absent.)

PUBLIC HEARING - ANNEXATION

Mayor Mullen opened the public hearing set for 5:00 p.m. on annexation of the following:

- a. 15.03 acres of land out of the Robert Foster Survey No. 43 and the M.D. Williams Survey No. 49 in Travis County, Texas. (Full purpose annexation) C7a-81-012.
- b. 4.22 acres of land out of the Robert Foster Survey No. 43 in Travis County, Texas. (Limited purpose annexation) C7a-81-012
- c. 100.08 acres of land out of the John Applegate Survey No. 58 in Travis County, Texas. (Full purpose annexation) C7a-82-010
No one appeared to be heard

Motion

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, closed the public hearing and approved proceeding with annexation. (6-0 Vote, Councilmember Spaeth absent.)

PUBLIC HEARING - APPEAL FROM MS. SWANZY

Mayor Mullen opened the public hearing set for 5:15 p.m. on an appeal from Ms. Marian Swanzy of the Planning Commission decision to grant a waterway development permit for the Salem Center Apartments, proposed project of Lan Bentson Interest, at 1200 W. Stassney Lane.

Richard Ridings, Director of Public Works, reviewed the case.

Marian Swanzy showed slides and discussed possible flooding and erosion in surrounding area.

The following people spoke in opposition to the proposed project: Anthony DeLaRosa, Jack Goodman, James Pinedo, Jackie Goodman, Barbara Cole.

Tom Davis, Graves, Dougherty, representing Lan Bentson asked Council to allow the developer to proceed.

Discussion followed concerning an underground drainage pipe. Mr. Ridings said funds are not available for that. Councilmember Shipman said the burden is on the applicant and asked that the permit not be approved until the flooding problem is solved.

After further discussion the following motion was made:

Motion

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, closed the public hearing and will make decision on May 24, 1984. (6-0 Vote, Councilmember Spaeth absent.)

ACTION ON ZONING CASE

The Council, on Councilmember Rose's motion, Councilmember Duncan's second, granted "A-2" 1st H&A zoning on the following case: (6-0 vote, Councilmember Spaeth absent)

C14r-84 LAN BENSTON
026 INTEREST
By Douglas A.
Hartwig

Burnet Road North
FM 1325 & Waters
Park Road

From Interim "AA" 1st H&A
To "BB" 1st H&A
RECOMMENDED "BB" 1st H&A
Recommend that a connect-
ion to Parmer Lane be made
and recommend that this
connection occur concurrent
with the construction of
Parmer Lane, applicant is
to submit a 30% cash
contribution for a left-
turn storage lane at Burnet
Road and Oak Tree, with a
refund in 10 years if
improvements are not made.
GRANTED "A-2"

NO ACTION NECESSARY

The appeal from Mr. Bobby R. Taylor of the Planning Commission's decision to grant a Special Permit for construction of 304 apartments was moot because of the action taken on zoning case C14r-84-026 on page 18 of this memo.

ADJOURNMENT

Council adjourned its meeting at 6:40 P.M.